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Ethical Standards for Elected City Officials

The City of Atlanta's Code of Ethics seeks to ensure that governmental decisions are made in the public's best interest by prohibiting city officials and employees from participating in matters that affect their personal or financial interests. By following the standards established in the code, elected city officials help the City of Atlanta gain the full trust of its citizens as a government that conducts itself in an open, honest, and fair manner.

Persons Affected by the Ethics Code

The ethics code applies to all city officials and employees. It covers persons who are elected or appointed, employed full-time or part-time, and paid or unpaid.

Conflicts of Interest

A conflict of interest occurs when a city official or employee has a personal or financial interest or engages in an outside activity that is incompatible with the proper discharge of the employee's official duties or the individual's exercise of independent judgment or action.

Participation in contracts. City officials and employees may not participate in any decision related to a contract or other matter in which they, their immediate family, or their business have a financial or personal interest in the matter. See § 2-812; FAO2003-2 (conflicts of interest related to authority president).

Example: A councilmember employed by a consulting firm may not participate in the debate or vote on a rezoning application filed by a client of the firm in connection with the client's proposed office tower. The councilmember must file an online Disclosure of Conflicts of Interest form.

Doing business with the city. City officials and employees may not have an ownership interest in a company that does business with the City of Atlanta unless the business is conducted through a sealed competitive bid process or a request for proposal awarded at a public meeting. This rule does not apply when an official owns less than ten percent of any publicly traded stock. See § 2-820 (c); FAO 2005-3 (city employees doing business with the City).

Example: A councilmember may serve as a principal in an architectural and construction firm that is awarded a contract to work on a city water treatment plan when the contract is awarded through a competitive bid process. The councilmember is disqualified from voting on the matter when it comes before the council and must file an online Disclosure of Conflicts of Interest form.

Private employment. City officials and employees may not engage in private employment, including self-employment, or render services for private interests when the employment is adverse to and incompatible with the proper discharge of the official's official duties. See § 2-820 (b).

Example: A member of the License Review Board is a real estate broker whose clients include bar and restaurant owners. The broker may not routinely engage in real estate sales and leases involving bars and restaurants that seek liquor licenses within the city.

Example: The city's fire marshal with oversight authority over fire safety inspectors and permits at public venues may not accept an extra job as an in-house fire marshal at one of those venues.

Investments. No city official or employee may hold any direct or indirect investment in any financial, business, commercial or other private transaction that adversely affects the individual's official duties to the city's detriment. See § 2-820 (a); FAO 2004-2 (conflicts of interest related to city employee providing city-mandated training for taxicab drivers).

Example: A city council policy analyst may not own or participate in a company that provides city-mandated taxi driver training because it conflicts with and adversely affects his official duties as policy analyst to the public safety committee with jurisdiction over vehicles for hire, a heavily regulated industry.

Gratuities

City officials and employees may not accept gratuities, honoraria, or other things of value from a prohibited source.

Prohibited source. A prohibited source is any person, company, or entity that is doing business or seeking to do business with the city, is seeking official action from the city, has interests that could be substantially affected by the performance of the employee's official duties, or is registered as a lobbyist under state law. See § 2-801. An individual is not a prohibited source based on a routine dealing with the City, such as owning property, seeking a business license, or paying a water bill.

Example: A neighborhood civic association invites council staff to attend the association's annual meeting and accept an award in appreciation of her services. Because the association frequently seeks official action from the City and has interests that may be substantially affected by the performance of the staff member's official duties, it is a prohibited source.

Example: A homeowner who seeks a building permit is a prohibited source towards the city employee in the Bureau of Buildings who makes the decision on whether to grant the permit. In the normal course of events, the homeowner is not a prohibited source towards elected city officials or other city employees.

Gifts and things of value. City officials and employees may not accept any gift from a prohibited source unless the gift falls within one of the exceptions to the definition of gratuity. There are exceptions for:

- awards, plaques, certificates, mementos, novelties, or similar items given in recognition of public service
- nominal gifts from representatives of other governments
- gifts from family members
- gifts accepted on behalf of the City
- holiday gift rule

See §§ 2-801, 2-817, 2-818; FAO2004-8 (holiday gifts); FAO2005-6 (solicitations for city programs benefiting citizens).

Example: Councilmembers and their staff participate in a walking challenge sponsored by Central Atlanta Progress in which the employees wear pedometers to keep track of the number of steps that they walk at City Hall. At the end of the contest, the participants may keep the pedometers as mementos given in recognition of their civic service in the walking campaign.

Example: The Council President receives a box of cookies in December from the newspaper that has the contract to publish the city's official notices. Because the gift is a perishable item and has a nominal market value, the President may accept the gift on behalf of the council and share it with public visitors and office employees.

Meals. City officials and employees may accept reasonable meals and refreshments furnished in connection with their appearance in an official capacity at a public event, hospitality extended for a purpose unrelated to the city's official business, and meals in connection with certain travel. See § 2-801; FAO2006-2 (expense reimbursements from prohibited sources).

Example: Councilmembers may attend the annual Central Atlanta Progress breakfast as the guest of CAP or one of its members.

Example: A councilmember may accept food provided at the restaurant opening of a neighbor because the individual is attending in her personal capacity as a friend and neighbor rather than in her official capacity as a member of the city council.

Travel. City officials and employees may accept “reasonable hosting expenses” from non-city sources for travel, meals, lodging, and conference fees provided in connection with (1) teaching, (2) a speaking engagement, (3) participation on a professional or civic panel, or (4) attendance at a conference in an official capacity. See §§ 2-801 & 2-815; FAO 2004-5 (travel exception for panel participation); FAO 2006-2 (expense reimbursements from prohibited sources).

Example: A councilmember is invited to participate in Delta Airline’s inaugural flight to Edinburgh where she will be speaking at a VIP event and at a press conference. She may accept Delta’s offer to pay for her travel related to her speaking engagement, but must file an online Expense Reimbursement Report within 30 days of the trip disclosing the expenses paid by the non-city source.

Example: Councilmembers and city employees may not accept expense reimbursements from Central Atlanta Progress to travel to another city to review a best-practices program since a fact-finding trip does not fall within the exceptions for travel paid by a prohibited source. Instead, they may pay for their travel out of city funds since they are engaged in official city business.

Tickets. City officials and employees generally may not accept tickets to concerts, plays, athletic, or other entertainment events as a gift, except when performing an official duty at the event. See § 2-816; FAO 2004-7 (gifts of tickets).

Example: The Council President may accept a ticket to the National Basketball Association’s 2003 All-Star Game in Atlanta in her official capacity as a member of the Host City delegation.

Example: A councilmember may not accept tickets from a city contractor to attend a game during the Southeastern Conference’s annual basketball tournament since she performs no official duty at that event.

Honoraria. City officials and employees may not accept personal honoraria from a prohibited source. See § 2-820 (f); FAO 2003-3 (personal honorarium).

Other Things of Value that May Be Accepted. Besides certain gifts, meals, and travel, the code excludes the following from the definition of a prohibited gratuity: salaries from another employer, campaign contributions, commercially reasonable loans, inheritances, and items of nominal, insignificant, or trivial value. See § 2-801.

Other Ethics Provisions

Use of Public Property. City officials and employees may not use city property, vehicles, equipment, labor, or services for their own personal use or for the private advantage of any other person, unless the general public may use the property in the same way. City officials should restrict their use of city property to official city business. See § 2-811.; FAO2003-1 (no waiver of rental fees for personal use of parks property); FAO2004-1 (official city business); FAO2005-7 (candidates’ use of city property).

Example: A city official may reserve a city facility for an NPU meeting on the same terms as for other city agencies, but must pay the normal fee charged the general public when reserving the facility on behalf of a civic organization or church group.

Example: A councilmember may hold a press conference in the atrium to announce his position on pending legislation, but not to announce his candidacy for reelection. City facilities, however, may be used for political forums when the forum is open to all candidates in a specific race and the general public is invited to attend.

Example: A councilmember may not use the city's website to solicit campaign contributions, seek volunteers, advertise a campaign, or provide a link to any campaign site.

Confidential information. A city official or employee may not disclose any confidential information concerning the property, governing operations, policies, or affairs of the City or use the information acquired in an official capacity to advance any personal or financial interests. See § 2-819; FAO2006-1 (confidential information).

Example: The City Attorney briefs a council committee in executive session on the status of an employee lawsuit filed against the City. Councilmembers may not disclose the information provided during that session to the plaintiff or her lawyers.

Representation. City officials and employees may not appear on behalf of private interests before any city agency, except as a matter of public record in a court of law. Councilmembers may appear before any agency on behalf of constituents or in the performance of public or civic obligations, if not paid, but may not appear before the zoning review board except in connection with their own property interests. See §§ 2-808, 2-809; FAO2005-4 (board members appearing before their own board).

Example: A councilmember may not be paid to represent a homeowner in an appeal before the Tree Conservation Commission, but may appear on behalf of the same person without compensation or remuneration of any kind.

Solicitations. City officials and employees may not solicit anything calculated to influence a decision or the exercise of official authority. See § 2-818; FAO2004-6 (solicitations for charity from a prohibited source); FAO2005-2 (solicitations for employee awards); FAO2005-6 (solicitations for city programs benefiting citizens). The Board of Ethics has established the following guidelines for solicitations made by city officials on behalf of the City from prohibited sources.

- The official or employee must solicit in an official capacity
- The solicitation must be made for a city purpose, project, or program
- The fund-raising campaign should make a broad public appeal for support
- The solicitation should not target prohibited sources
- The gift must be given to the City of Atlanta or one of its agencies
- The gift must be publicly disclosed on an online gift report form
- The gift cannot be calculated to influence any vote, decision, or official action

Example: The Mayor and city employees engage in a fund-raising campaign each year to finance the Mayor's Seniors' Ball. The Mayor and her staff may accept donations on behalf of the City since there is a broad public appeal, there is no targeting of prohibited sources, and the City has set up a special trust account. The Mayor's office must complete an online Report of Gift to City of Atlanta each year listing the donations and in-kind services received.

Example: The Department of Human Resources may solicit donations from area businesses, including prohibited sources, to give away as door prizes to employees at the Annual Women's History Luncheon. The department must file a gift report form disclosing the gifts.

Representation after Separation from Employment. The city's "revolving door" policy limits the activities of former city officials and employees for one year. It prohibits officials from appearing before any city agency or receiving compensation for any services in connection with any matter in which they were directly concerned, personally participated, actively considered, or acquired knowledge while working for the city. See § 2-810; FAO2004-3 (restrictions on representation after leaving city employment); FAO2005-5 (restrictions on work of former deputy city attorney for one year).

Example: A former deputy city attorney may not, for a year after leaving the city, appear before any city agency or represent a client that has a claim against the City of Atlanta unless the claim involves a new matter about which the employee gained no knowledge or information while employed with the City.

Standards of Conduct

This guide provides a summary of the significant provisions in the City's Code of Ethics. Officials are encouraged to review the specific language in sections 2-801 to 2-825 of the City's Code of Ordinances or contact the City's Ethics Office at ethicsofficer@atlantaga.gov if they have a question about applying these ethical standards to their actions.

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